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## Minutes of MAYOR AND COUNCIL Meeting

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Approved by Mayor and Council  
on August 2, 2005

Date of Meeting: June 14, 2005

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m. on Tuesday, June 14, 2005, all members having been notified of the time and place thereof.

### 1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused:	None
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Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Michael D. Letcher	Deputy City Manager

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Ben Shunko, Beginnings Church, after which the pledge of allegiance was presented by the entire assembly.

## **3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 319, dated June 14, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

- a. Council Member West reported on the following Youth Employment Programs in Ward 2.
  1. Vista Del Sahuaro along with Broadway Proper Senior Center was sponsoring "Warm Up America" teaching youth to knit and crochet blankets used to assist Red Cross fire victims. Also, seniors from Fellowship Square Senior Center were benefiting from computer classes taught by Vista Del Sahuaro young people.
  2. Tucson Accelerated High School was transforming unattractive medians in Ward 2 into beautiful works of art.
- b. Vice Mayor Dunbar announced she would be hosting a town hall on June 29, 2005, at Salpointe High School from 6:30 p.m. to 8:30 p.m. The Methamphetamine epidemic will be discussed
- c. Council Member Ronstadt announced that Walmart would not be developing the proposed neighborhood grocery store at Rosemont and Broadway. The location was not feasible for Walmart.

## **4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

Mayor Walkup announced City Manager's communication number 320, dated June 14, 2005, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked if there were any reports.

Mike Hein, City Manager, said he had no reports.

## **5. LIQUOR LICENSE APPLICATIONS**

Mayor Walkup announced City Manager's communication number 328, dated June 14, 2005, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Applications

New License

1. Zivaz Mexican Bistro, Ward 6  
4590 E. Broadway Blvd.  
Applicant: Felipe Bours Valenzuela  
Series 12, City 33-05  
Action must be taken by: June 17, 2005  
Staff has indicated the applicant is in compliance with city requirements.
2. Sky Blue Wasabi Restaurant, Ward 6  
250 S. Craycroft, Suite 100  
Applicant: Kim Chu  
Series 12, City 38-05  
Action must be taken by: June 24, 2005  
Staff has indicated the applicant is in compliance with city requirements.

c. Special Event

1. It's Happening Downtown, Inc., Ward 6  
26-56 E. Congress Street  
Applicant: Barbara A. Zelano  
City T49-05  
Date of Event: June 18, 2005  
Community Cultural Event  
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Vice Mayor Dunbar, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1, 5b2, and 5c1 to the Arizona State Liquor Board with a recommendation for approval.

**6. CONSENT AGENDA - ITEMS A THROUGH H**

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. INTERGOVERNMENTAL AGREEMENT AMENDMENT: WITH PIMA COUNTY FOR THE COMPLETION OF THE BARRIO HISTORICO NEIGHBORHOOD PROJECT
  1. Report from City Manager JUNE14-05-324 WARD 1

2. Resolution No. 20103 relating to Department of Neighborhood Resources; authorizing and approving an Amendment to the Intergovernmental Agreement with Pima County to allow for final reimbursement to the City of Tucson for the completion of the Barrio Historico Neighborhood Project; and declaring an emergency.
- B. INTERGOVERNMENTAL AGREEMENT: WITH THE PASCUA YAQUI TRIBE FOR THE TUCSON POLICE DEPARTMENT TASK FORCE FOR GANG ABATEMENT
1. Report from City Manager JUNE14-05-323 WARD 3
  2. Resolution No. 20104 relating to law enforcement; approving and authorizing execution of the Intergovernmental Agreement between the City of Tucson and the Pascua Yaqui Tribe for the Tucson Police Department Task Force for Gang Abatement; and declaring an emergency.
- C. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR A JOINT HOUSING PROGRAM
1. Report from City Manager JUNE14-05-329 CITY-WIDE AND OUTSIDE CITY
  2. Resolution No. 20105 relating to community services; authorizing and approving the execution of an Intergovernmental Agreement between the City of Tucson and Pima County for a joint housing program under the FY 2005 Housing Opportunities for People with AIDS (HOPWA) Grant; and declaring an emergency.
- D. TUCSON CODE: AMENDING (CHAPTER 22) RELATING TO LEAVE AND SPECIAL INSURANCE BENEFITS FOR COMMISSIONED FIRE AND POLICE EMPLOYEES
1. Report from City Manager JUNE14-05-330 CITY-WIDE
  2. Ordinance No. 10163 relating to leave benefit plan; amending Tucson Code Chapter 22, Article V, Section 22-90(2) Sick leave accrual, providing for sick leave accrual for commissioned police officers; Section 22-95 sick leave incentive program providing for incentive payment and personal leave days, adding subsection 22-95(c), personal leave days for commissioned police officers; amending Article VI, Section 22-100 providing for other insurance benefits, increasing amount per pay period to commissioned firefighters to defray cancer insurance premiums; amending Section 22-101 death benefit for employee group eligible for representation by TPOA, providing for increased amount; and declaring an emergency.

E. LABOR AGREEMENT: WITH THE TUCSON POLICE OFFICERS' ASSOCIATION

1. Report from City Manager JUNE14-05-331 CITY-WIDE
2. Resolution No. 20106 relating to employee relations; authorizing the City Manager to execute an Agreement between the City of Tucson and the Tucson Police Officers' Association; and declaring an emergency.

F. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH CAFE POCA COSA FOR PROPERTY LOCATED AT 120 EAST PENNINGTON STREET (CONTINUED FROM THE MEETING OF JUNE 7, 2005)

1. Report from City Manager JUNE14-05-333 (2) WARD 6
2. Ordinance No. 10160 relating to real estate; authorizing and approving the lease of certain City-owned real property located at 120 East Pennington Street to Cafe Poca Cosa; and declaring an emergency.

Item F was continued to the Mayor and Council Meeting of June 21, 2005 at the request of staff.

G. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON FISCAL YEAR 2006

1. Report from City Manager JUNE14-05-336 (2) CITY-WIDE
2. Ordinance No. 10165 relating to compensation plan; Tucson Code Chapter 10, Article II, Section 10-31, adopting salary schedules for Fiscal Year 2006; implementing Section 10-31; ratifying, reaffirming and reenacting Sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-34.1., Assignment and incentive pay for maintaining paramedic certification and working as paramedics; Section 10-35, Fire battalion chief call back shift pay; Section 10-47, Recruiting referral compensation for police officer applicants program; Section 10-48, Supplement to military pay; Section 10-49, Holiday and BOI pay for Commissioned Officers of the Tucson Police Department in the position of Lieutenant and assignment positions of Captain and Assistant Chief; Section 10-53, Pipeline protection program; compensation; Section 10-53.1., Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3(c), Career Enhancement Program (CEP) incentive pay for

commissioned police personnel through the rank of Captain; amending Section 10-33, Language communication compensation, providing increased rate for commissioned police personnel through Sergeant; adding Section 10-33.1, providing for proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2006; and declaring an emergency.

Kathleen S. Detrick, City Clerk, stated there was a clerical correction on Consent Agenda Item G.

On page 2 of Ordinance No. 10165, under section 2, near the bottom of the section, "Tucson Code Section 10-53.3(c), Career Enhancement Program (CEP) incentive pay for commissioned police personnel through the rank of Captain; amending Section 10-33, Language communication compensation, providing increased rate for commissioned police personnel through *Sergeant*;" should read through Captain. Immediately following that sentence, "all as part of and in implementation of the annual compensation plan for fiscal year 2004 are ratified, reaffirmed and reenacted, for fiscal year 2004", should read, "fiscal year 2006" in both instances.

#### H. APPROVAL OF MINUTES

1. Report from City Manager JUNE14-05-325 CITY-WIDE
2. Approval of minutes for the regular meetings of the Mayor and Council held on October 25, 2004 and May 17, 2005.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through H, with the exception of F which was to be continued to June 21, 2005, be passed and adopted and the proper action taken.

Council Member Ronstadt expressed thanks to the Pascua Yaqui Tribe and Chairwoman Heminia Frias for their support on Item B. He had discussions with her regarding the State Initiative that referenced sharing some of the revenue from gaming activities. The tribe has been very active to make sure that monies were directed to good projects in the various jurisdictions.

Mayor Walkup asked for a roll call on the motion.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Consent Agenda Items A through H with the exception of Item F were declared passed and adopted by a roll call vote of 7 to 0.

**7. CALL TO THE AUDIENCE**

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except items scheduled for a public hearing. Speakers would be limited to three-minute presentations.

- a. Michael Toney spoke regarding issues ranging from landscaped parking suggestions and subsidence recovery to the University of Arizona Science Center's Rainbow Bridge.
- b. Kirk Pedersen encouraged the Mayor and Council to fund Arts and Culture programs in the City of Tucson.
- c. Bob Shatz encouraged the Mayor and Council to investigate the possibility of an Intermodal Terminal in Tucson.
- d. J. Lisa Jones spoke on her concern regarding bicyclists riding at dusk or night without proper lighting, and requested the Tucson Police begin ticketing violators.

**8. PUBLIC HEARING: TRUTH IN TAXATION HEARING FOR THE PRIMARY PROPERTY TAX; NOTICE OF PRIMARY PROPERTY TAX INCREASE**

Mayor Walkup announced City Manager's communication number 326, dated June 14, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a Truth in Property Taxation public hearing. He said the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations and asked if there was anyone who wished to address the Council on this item.

Michael Toney suggested the City of Tucson should be frugal with expenditures in balancing the budget.

Mayor Walkup asked if there was anyone else in the audience wishing to be heard on this item. No one came forward.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup stated the adoption of the primary and secondary property tax ordinance was scheduled for June 28, 2005.

Council Member West stated that the primary tax appeared to be decreasing, yet a newspaper ad wrote the primary tax would be increasing and asked James Cameron, Director of Budget and Research, for clarification.

Mr. Cameron responded it was required by the State to show a revenue neutral tax rate in an ad. The tax rate for the primary property tax was going down slightly, but the calculation that is done essentially excludes any growth in evaluations of homes.

**9. PUBLIC HEARING: 2006 BUDGET AS TENTATIVELY ADOPTED ON JUNE 7, 2005**

Mayor Walkup announced City Manager's communication number 335, dated June 14, 2005, would be received into and made a part of the record. He also announced this was the time and place legally advertised for a public hearing on the Fiscal Year 2006 Budget as tentatively adopted on June 7, 2005. He said the public hearing was scheduled to last for no more than one hour, and speakers would be limited to five-minute presentations.

Mayor Walkup asked if there was anyone wishing to be heard on this item. No one came forward.

It was moved by Council Member Ibarra, duly seconded, and carried by a voice vote of 7 to 0, to close the public hearing.

Mayor Walkup announced that the Council would stand at recess and convene a special meeting for the adoption of the budget.

Note: See minutes of the Special Mayor and Council Meeting of June 14, 2005 regarding the Final Budget Adoption for fiscal year 2006.

RECESS: 5:59 p.m.

RECONVENE: 6:05 p.m.

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Kathleen Dunbar	Vice Mayor, Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Council Member Ward 5
Fred Ronstadt	Council Member Ward 6
Robert E. Walkup	Mayor
Absent/Excused:	None



**10. ZONING: (C9-03-24) ABRAMS/ACEDO – 4TH STREET, R-1/R-2 TO R-2, ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 321, dated June 14, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10162 by number and title only.

Ordinance No. 10162 relating to zoning: amending zoning district boundaries in the area located on the south side of 4th Street between Richey Boulevard and Dodge Boulevard in Case C9-03-24, Abrams/Acedo – 4<sup>th</sup> Street, R-1/R-2 to R-2; and setting an effective date.

Kathleen S. Detrick, City Clerk, announced this item required a three-quarter majority vote to be adopted.

It was moved by Council Member Ronstadt, duly seconded, to pass and adopt Ordinance No. 10162.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members West, Scott, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: Council Members Ibarra and Leal

Ordinance No. 10162 failed by a roll call vote of 5 to 2.

**11. ZONING: (C9-05-03) CAYLOR – SPEEDWAY BOULEVARD, R-1 TO O-1, CITY MANAGER'S REPORT**

Mayor Walkup announced City Manager's communication number 322, dated June 14, 2005, would be received into and made a part of the record. He stated this was a request to rezone property located on the southeast corner of Speedway Boulevard and Barbara Worth Drive. The Zoning Examiner and the City Manager recommended approval subject to certain conditions.

Mayor Walkup asked if the applicant or representative was present and aware of and agreeable to the proposed requirements.

Rob Caylor, Caylor Construction, applicant, said he was in agreement to the proposed requirements.

Council Member West commended Mr. Caylor on his devotion to working with the neighborhoods. She said Mr. Caylor had been very attentive and addressed the neighborhood's concerns.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, to approve the request for rezoning as recommended by the Zoning Examiner.

**12. ZONING: (C15-04-02) ESTABLISHING ORIGINAL CITY ZONING FOR THE RINCON HEIGHTS ANNEXATION DISTRICT, COUNTY RH TO CITY RH, EXTENSION OF HILLSIDE DEVELOPMENT ZONE (HDZ), EXTENSION OF WATERCOURSE, AMENITIES, SAFETY, AND HABITAT (WASH), CITY MANAGER'S REPORT AND ORDINANCE ADOPTION**

Mayor Walkup announced City Manager's communication number 334, dated June 14, 2005, would be received into and made a part of the record. He also announced this was a request to establish original City zoning for property located on the west side of the Pantano Wash north of Rancho del Lago. He asked the City Clerk to read Ordinance 10164 by number and title only.

Ordinance No. 10164 relating to zoning; establishing original City zoning for approximately 168 acres generally located on the west side of the Pantano Wash north of Rancho del Lago, which was annexed to the City of Tucson by Ordinance No. 10130, adopted on March 22, 2005; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance No. 10164.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance No. 10164 was declared passed and adopted by a roll call vote of 7 to 0.

**13. ZONING: (C9-04-06) EL RANCHO MERLITA – WRIGHTSTOWN ROAD, SR TO RX-2, ORDINANCE ADOPTION (CONTINUED FROM THE MEETING OF JUNE 7, 2005)**

Mayor Walkup announced City Manager's communication number 332, dated June 14, 2005, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10156 by number and title only.

Ordinance No. 10156 relating to zoning: amending zoning district boundaries in the area located on the south side of Wrightstown Road between Sarnoff Drive and Camino Seco Road in Case C9-04-06, El Rancho Merlita – Wrightstown Road, SR to RX-2; and setting an effective date.

Kathleen S. Detrick, City Clerk, announced this item required a three-quarter majority vote to be adopted.

Council Member West said she had delayed this item for a week to give the public time to address any concerns and because the developer was out of town. She pointed out that historically this was the old Merle Norman Estate, who was known as the "Cosmetics Queen," therefore the name El Rancho Merlita.

It was moved by Council Member West, duly seconded, to pass and adopt Ordinance No. 10156.

Mayor Walkup asked if there was any discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Scott, Leal, and Ronstadt;  
Vice Mayor Dunbar and Mayor Walkup

Nay: None

Ordinance No. 10156 was declared passed and adopted by a roll call vote of 7 to 0.

**14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS**

Mayor Walkup announced City Manager's communication number 327, dated June 14, 2005, would be received into and made a part of the record. He asked if there were any personal appointments to be made.

Vice Mayor Dunbar announced her personal appointment of Katherine Kent to the Small Business Commission.

Mayor Walkup announced his personal appointment of Council Member Leal to the Sister City Review Subcommittee. He also announced the appointment of Martha Taylor to the Human Relations Commission effective June 25, 2005.

Mayor Walkup thanked Ray Davies for his hard work and dedication throughout his term on the Tucson Human Relations Commission.

**15. ADJOURNMENT 6:13 p.m.**

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Tuesday, June 21, 2005, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

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MAYOR

ATTEST:

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CITY CLERK

**CERTIFICATE OF AUTHENTICITY**

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 14th day of June 2005, and do hereby certify that it is an accurate transcription.

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DEPUTY CITY CLERK

KSD:cs/ao